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July 2, 1997

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**VIA HAND DELIVERY**

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

Re: Supplemental Submission of SJL Communications, Inc. in MM Docket  
Nos. 91-221, 87-8, 94-150, 92-51 and 87-154

Dear Mr. Caton:

Enclosed on behalf of SJL Communications, Inc. are an original plus four copies of a Supplemental Submission related to the Commission's Further Notice of Proposed Rulemaking, MM Docket Nos. 94-150, FCC 96-436 (rel. Nov. 7, 1996), the Second Further Notice of Proposed Rulemaking, MM Docket No. 91-221, FCC 96-438 (rel. Nov. 7, 1996) and the Notice of Proposed Rulemaking, MM Docket Nos. 96-222, 91-221 and 87-8 (rel. Nov. 7, 1996). This Supplemental Submission responds to the Commission's request, contained in its Public Notice (DA-97-1246), released June 17, 1997, for additional information related to these rulemakings.

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List ABCDE

LATHAM & WATKINS

Mr. William F. Caton

July 2, 1997

Page Two

Please do not hesitate to contact the undersigned should you have questions concerning this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Mark D. Spoto". The signature is fluid and cursive, with a stylized "S" and "O".

Mark D. Spoto  
of LATHAM & WATKINS

Enclosures

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Review of the Commission's Regulations  
Governing Television Broadcasting

MM Docket No. 91-221

Television Satellite Stations  
Review of Policy and Rules

MM Docket No. 87-8

Review of the Commission's  
Regulations Governing Attribution  
of Broadcast and Cable/MDS Interests

MM Docket No. 94-150

Review of the Commission's  
Regulations and Policies Affecting  
Investment in the Broadcast Industry

MM Docket No. 92-51

Reexamination of the Commission's  
Cross-Interest Policy

MM Docket No. 87-154

To: The Commission

**SUPPLEMENTAL SUBMISSION OF SJL COMMUNICATIONS, INC.**

SJL Communications, Inc. ("SJL"), by counsel, submits this supplemental information in response to the Commission's Notice, dated June 17, 1997 (DA 97-1246), requesting further information regarding television LMAs (the "Request"). SJL is the licensee of television station WICU-TV, Erie, Pennsylvania, and also provides sales and programming services to television station WFXP-TV, Erie, Pennsylvania pursuant to a time brokerage agreement, dated April 1, 1996, with NV Acquisition Co. ("NV"), the

licensee of that station.<sup>1</sup> SJL's operation of WFXP demonstrates clearly the public interest benefits that flow from LMA operations in smaller television markets.

SJL provides below the specific information requested by the Commission, enumerated to correspond with the Request. First, however, SJL would like to summarize briefly the many public interest benefits of the LMA between SJL and NV. Most importantly, the LMA has allowed WFXP-TV to provide the viewers of Erie with a new local nightly newscast. On May 27, 1997, under SJL's stewardship, WFXP began to air a local nightly newscast from 10:00 p.m. to 10:30 p.m. Prior to the LMA, WFXP had no newscast or even *plans* for such a newscast -- indeed, with an operating profit of only \$258,702 in 1996, the cost of even a bare-bones newscast would have been too great for the station to bear. However, with the efficiencies realized through the combined operation of WFXP and WICU, SJL has been able to create a full, local newscast by hiring a dedicated full-time anchor and producer for the WFXP newscast, each of whom are assisted by the resources of the WICU news team. Without the part-time devotion of more than 20 reporters, writers, editors and photographers and WICU's million-dollar news budget -- made available only through the LMA -- WFXP simply could not, and would not, be providing Erie with this additional news service.

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<sup>1</sup> SJL has previously provided detailed factual information regarding its LMA of WFXP to the Commission through comments filed on February 7, 1997 in the Commission's Further Notice of Proposed Rulemaking, Review of the Commission's Regulations Governing Attribution of Broadcast and Cable/MDS Systems, MM Docket No. 94-150, FCC 96-436 (rel. Nov. 7, 1996), and the Second Further Notice of Proposed Rulemaking, Review of the Commission's Regulations Governing Television Broadcasting, MM Docket No. 91-221, FCC 96-438 (rel. Nov. 7, 1996) (collectively, the "Rulemakings").

The LMA has also allowed SJL to make technical improvements to WFXP for the benefit of viewers, advertisers and public service campaigns. For example, prior to the LMA, the station was operating on a shoe-string budget with low-paid personnel operating a manual master control system that led to poor video quality and many on-air mistakes, such as missed commercials. Since SJL entered into the LMA, it has invested nearly \$750,000 in new equipment that will allow both WICU and WFXP to provide its viewers with better picture quality and its advertisers with more prompt and accurate service. SJL has also been renovating the WICU-TV building in order to co-locate the staffs of both stations, which SJL believes will allow it to realize even greater efficiencies and enable it to continue to improve the services of both WICU and WFXP to viewers and advertisers.<sup>2</sup>

The following responses correspond directly to numbered requests in the Commission's Request:

1. Brokering Station (WICU-TV):

- Licensee: SJL of Pennsylvania, Inc.
- Call Letters: WICU-TV
- Channel Number: 12
- Community of License: Erie, Pennsylvania

Brokered Station (WFXP-TV):

- Licensee: NV Acquisition Co.
- Call Letters: WFXP-TV
- Channel Number: 66
- Community of License: Erie, Pennsylvania

2. Nielsen DMA for both WICU-TV and WFXP-TV:

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<sup>2</sup> For a complete description of the additional efficiencies and public interest benefits that result from SJL's LMA of WFXP-TV, see SJL's Comments, dated February 7, 1997, in the Rulemakings.

- Erie, Pennsylvania
  - DMA Number 143
3. WICU-TV and WFXP-TV have overlapping city grade contours.
  4. The TBA was originally entered on April 1, 1996 and became effective on August 16, 1996.
  5. Initial term of TBA:
    - Start Date: August 16, 1996
    - End Date: August 15, 2001

Renewal provisions of TBA:

    - Renewal once at option of time broker
    - Renewal Term: 5 years
    - Renewal Exercise: must be exercised by written notice by time broker to licensee at any time before 90 days prior to end of initial term
  6. Brokered time: 162 hours/week
  7. Neither WICU-TV nor WFXP-TV is owned by the ABC, CBS, Fox, NBC, UPN or WB broadcast television networks. However, WICU-TV is affiliated with NBC and WFXP-TV is affiliated with Fox.
  8. Nielsen DMA household ratings (9 A.M. - 12 Midnight) audience share data for three most recent rating periods:  
  
WICU-TV: 19 (May 1997)  
18 (February 1997)  
20 (November 1996)  
  
WFXP-TV: 5 (May 1997)  
6 (February 1997)  
7 (November 1996)

Date: July 2, 1997

Respectfully submitted,

SJL COMMUNICATIONS, INC.

*Mark D. Spoto*

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Eric L. Bernthal

Mark D. Spoto

LATHAM & WATKINS

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Suite 1300

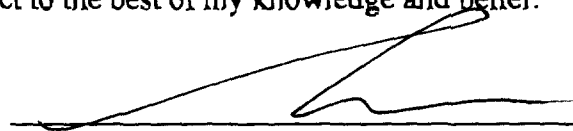
Washington, D.C. 20004

Its Attorneys

**DECLARATION OF GEORGE D. LILLY**

I am the President of SJL Communications, Inc. ("SJL"). I am submitting this declaration in connection with the Supplemental Submission (the "Supplemental Submission") of SJL in the Commission's Further Notice of Proposed Rulemaking, Review of the Commission's Regulations Governing Attribution of Broadcast and Cable/MDS Systems, MM Docket No. 94-150, FCC 96-436 (rel. Nov. 7, 1996), and the Second Further Notice of Proposed Rulemaking, Review of the Commission's Regulations Governing Television Broadcasting, MM Docket No. 91-221, FCC 96-438 (rel. Nov. 7, 1996). I declare under penalty of perjury that the statements contained in the Supplemental Submission are true and correct to the best of my knowledge and belief.

Date: July 1, 1997

  
George D. Lilly